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Chairperson: Ms. Açar

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention

Fifth report of Canada (CEDAW/C/CAN/5)

1. *At the invitation of the Chairperson, Ms. Ievers and Ms. Regehr (Canada) took places at the Committee table.*

2. **Ms. Ievers** (Canada), introducing her country's fifth periodic report, noted that Canada had signed the Optional Protocol to the Convention on 18 October 2002. Canada was a highly diverse country geographically, linguistically, economically, and demographically. It had large rural areas and densely populated urban centres, and Canadian society was multicultural, multi-ethnic, and multiracial. The country's economy was growing and presenting new opportunities and challenges. Although Canada was proud of its achievements in the area of women's rights, it was aware that certain needs were still unmet and that certain goals had still not been attained. She noted that the twentieth century had brought a remarkable transformation of women's role in Canadian society. Women had become increasingly involved in all social and economic aspects of life, most notably by becoming a major and integral part of the paid labour force. However, there were still major differences between men and women in most key areas, and in certain areas the process of improvement had slowed or even been reversed. Certain groups of women had different patterns of experience within the female population and required specific attention. That was especially the case when gender intersected with factors such as race, disability, sexual orientation and family status.

3. In 2001, women identifying themselves as members of a visible minority had made up 13.4 per cent of Canada's female population. A further 4.4 per cent had reported that they were aboriginal people, whether North American Indian, *Métis* or Inuit. The number of families headed by a female lone parent had almost doubled since 1971, and another major trend had been the decline in the birth rate. Women's life expectancy was higher than men's but a higher percentage of women than men had reported suffering from chronic and degenerative health conditions, and women were also more likely than men to use medication. It was estimated that one in 10 Canadian women of working age suffered from a disability. Women had made great strides in terms of educational attainment and were making inroads into male dominated fields. Most women continued to be in predominately female occupations, but that was slowly changing. Although women were a growing force among self-employed workers and entrepreneurs, they also dominated the growing ranks of non-standard workers who had less access to benefits than other employed Canadians. Women's overall economic situation continued to improve steadily. For example, women's net incomes had increased from 52 per cent of men's in 1986 to 63 per cent in 1997. Because of women's high share of unpaid work, however, the family status of adult women had a major impact on their economic status, as did factors such as age, race, ethnicity, immigrant status and indigenous heritage. Although poverty among some groups of women was still far too high, there had been a major change in poverty trends since the late 1990s. For example, the poverty rate for lone-parent mothers had dropped 11 percentage points, from 58.7 per cent in 1996 to 47.6 per cent in 2000. Although violence against women continued to be a social and economic problem, the incidence of spousal violence, including spousal homicide, had declined somewhat over the past decade. Women made up a small proportion of persons admitted to prisons, but more than 20 per cent of women serving federal sentences were of indigenous descent.

4. During the period covered by Canada's fifth periodic report, Canadian governments had been obliged to make some very hard decisions in order to address Canada's significant debts and deficits. The Federal Plan for Gender Equality had come into effect in 1995, at a time when the Budget Act had placed an immediate focus on reductions aimed at ensuring fiscal responsibility. Since that time, however, the economy had improved. Recent budgetary measures were having a positive impact, and the Government had announced further enhancements in areas such as child benefits, childcare, and health care.

5. The legal basis for gender equality in Canada was the country's Charter of Rights and Freedoms. Canada was working to achieve substantive equality, recognizing that treating women identically to men would not necessarily ensure equal outcomes. However, the concept of substantive equality was often

highly complex and hard to implement. There had been some significant decisions by Canada's Supreme Court, which had affected the interpretation of substantive equality in the design of public policy. The Court had sometimes been significantly divided, indicating how challenging it was to implement genuine equality. She noted that Canada had tackled many of the more obvious forms of discrimination, and that its work would now require more critical and thoughtful analysis than ever before. Canadian governments at all levels were aided in that task by an extensive network of women's and other non-governmental organizations, which were well-informed about current realities, close to new and emerging issues, and increasingly reflective of the growing diversity of women in Canada. Through its new voluntary sector initiative and other mechanisms, the Government of Canada and other levels of government had played an important role in funding organizations, thereby enabling them to engage in the public policy process. The critical perspectives of such organizations were welcome, and had played a vital role in helping the Government build gender equality.

6. Since 1995, Canada had endorsed a dual approach to gender equality, combining the integration of a gender perspective in government processes (gender mainstreaming) and the development of policies and programmes that were gender specific. Through the use of gender-based analysis, gender mainstreaming viewed women in relation to men in society, in all of their diversity, through all life stages and experiences. In 2000, the Government had adopted a new Agenda for Gender Equality, which was a multi-year strategy with new funding spread over a five-year period. The Agenda was designed to engender current and new policy and programme initiatives, accelerate the implementation of gender-based analysis, enhance voluntary capacity, engage Canadians in the public policy process and meet Canada's international commitments. In addition to the Secretary of State for the Status of Women, three key Ministers of the Canadian Government were responsible for overseeing the development of the Agenda: the Ministers of Health, Human Resources Development and Justice.

7. The new Immigration and Refugee Protection Act was an example of recent advances in promoting substantive equality. The Act promoted the mainstreaming of gender analysis by requiring that gender impacts be reported annually in the federal immigration department's report to Parliament. It included new offences for human smuggling and trafficking in persons, carrying a maximum penalty of life imprisonment, a fine of up to $1 million, or both. It also allowed courts to take into account aggravating factors such as humiliating or degrading treatment when determining a suitable penalty for the crime. A number of other regulations to the Act sought to combat trafficking in children. Canada had also made changes to its programme for migrant live-in caregivers in response to concerns over its application. New requirements included a written contract between employer and live-in caregiver, which set out the terms of employment with a view to ensuring that both sides were aware of their respective rights and responsibilities. She acknowledged that the living standards and opportunities of indigenous women remained well below Canadian averages. As Canada had indicated in an earlier report, the Government had adopted an action plan designed to improve the quality of life of indigenous people and promote their self-sufficiency, and had formally expressed to all aboriginal people in Canada its profound regret for past actions of the Federal Government. With regard to the "Indian" residential schools system, which had separated many children from their families and communities, the Government had launched an initiative aiming to address the system's intergenerational aspects and, in June 2001, had created a separate department charged with resolving all issues concerning the system's legacy. The Government had introduced legislation providing new opportunities for indigenous women to participate in the governance of their communities and broadening their protection from discrimination. It's efforts to improve the condition and quantity of housing on reserves included an examination of the issue of matrimonial property.

8. Issues related to paid and unpaid work provided another example of how gender mainstreaming could help Governments better to identify and meet the needs of all Canadian citizens. Canada had achieved dramatic improvements in parental benefits. In December 2000 parental benefits under employment insurance had been increased from 10 weeks to 35 weeks, and a disincentive that had affected fathers had been removed. Federal, provincial and territorial leave provisions in labour legislation had been extended. As a result, the number of Canadians accessing parental benefits had increased by 24.3 per cent in 2001, and

the number of claims by men had risen by almost 80 per cent. Fathers were clearly taking advantage of the chance to share in the caregiver role during the first year of the child's life, and that was a major development in the sharing of work traditionally carried out by women.

9. In the area of childcare, Quebec's progressive network of early-childhood centres was especially noteworthy. With regard to the link between women's and children's economic status, she drew the Committee's attention to the Canada Child Tax Benefit and the National Child Benefit system, which together represented the largest social innovations in Canadian history. Under those initiatives, which included both income and other supports, a two-child, low-income family currently received a maximum benefit of about $4,700 (up from $3,400 in 1999). In recognizing the costs of raising income in low-income families, benefits payable under the two initiatives were very important in terms of fostering parental employment. Consequently, they directly addressed some key factors contributing to poverty among women, such as their average lower wages and their predominance as primary care providers for children, which limited their earning potential. Since 1997, a package of child-support reforms had been in effect, aimed at ensuring fairer support for children in custodial households, most often headed by women following separation and divorce. With regard to the labour force, the Government had set up a task force in 2001 to make recommendations for improving current legislation on pay equity, following a 1998 landmark ruling that had resulted in the payment of $3.6 billion to about 230,000 federal workers in female-dominated jobs. Addressing the issue of homelessness, she said that Canada was gaining a better understanding of the gender dimensions of the problem, recognizing that women's lower economic status made them vulnerable to homelessness while their particular circumstances meant that their needs might not be visible.

10. With regard to health and well-being, the Government's 1997 guidelines on the inclusion of women in clinical trials had been an important step forward in the light of women's greater reporting of chronic health conditions and greater use of medications than men. The guidelines aimed to ensure that drug manufacturers seeking market approval for their products based their application on research representing the full range of patients likely to receive the drug, and that women were enrolled in clinical trials at all stages of drug development. Renewed commitments to health research were similarly important. The Institute of Gender and Health, established in 2000 as one of 13 Canadian Institutes of Health Research across the country, offered an unprecedented opportunity to investigate the influence of gender and sex on health, and their interactions with other health determinants, such as ethnicity, location, or age. The Government currently invested about $6.5 billion annually in many disability-related programmes, while provinces and territories also made significant investments and delivered most of the programmes and services.

11. Eliminating systemic violence against women was a major Government priority, and a 2002 report had indicated that its efforts might be having some effects. In 1993, 12 per cent of women had indicated that a marital or common-law partner had assaulted them in the preceding five years, whereas in 1999 that figure had dropped to 8 per cent. Spousal homicide rates had also fallen significantly over the past two decades. There was still much to be done, however. In 1999, aboriginal women had reported spousal violence rates twice as high as aboriginal men and three times as high as non-aboriginal women and men. Moreover, young women were at greater risk of sexual assault, as well as spousal assault and homicide. The Government had implemented a number of law reforms to provide greater protection for victims of sexual assault and other violence. The Criminal Code and related legislation had been amended to facilitate the testimony of young victims of sexual or violent crime and to expand the role of victim impact statements, and the maximum penalty for criminal harassment had been increased from five to 10 years. Canada was also working to protect children from sexual exploitation, and had introduced legislation to create the criminal offence of using the Internet to lure children for a sexual purpose. Through its funding programmes, it was also supporting initiatives to examine innovative programming for children and young people involved in prostitution.

12. **The Chairperson** commended Canada on signing the Optional Protocol to the Convention, which was an essential tool for the implementation of the Convention itself. She hoped that Canada's large delegation was an indication that Canada intended to maintain its leading role in the promotion of women's rights, with a special

emphasis on their right to non-discrimination, which was the essence of the Convention. Because Canada had a large and very diverse population, of various ethnic origins, it served as a valuable microcosm for other countries, illustrating the problems and opportunities faced by Government and civil society, especially in the age of globalization.

13. **Ms. Manalo** said that Canada's fifth periodic report had provided further evidence of its commitment to human rights in general and to women's rights in particular. There were, however, two points on which she would welcome clarification. First, with reference to Canada's structural adjustment process, she wondered whether the introduction of the Budget Act had not in fact worsened an already unequal situation for Canada's marginalized women. If indeed that was the case, the Committee would welcome concrete information about any measures planned to reverse the negative impact of the Act, especially with regard to the provision of social services to marginalized women and efforts to improve mechanisms protecting advances made in the area of women's rights. Second, the Committee would welcome more information about the new Immigration and Refugee Protection Act, particularly with regard to immigrant women working as live-in caregivers. Under the new law, such workers were not entitled to permanent status until three years had elapsed, and were not provided with effective social security benefits. The reporting State should therefore indicate whether the law was indeed positive with regard to such workers.

14. **Ms. Schöpp-Schilling** said that she applauded Canada's ongoing efforts to improve the legal and material situation of women. However, with reference to the format of the fifth periodic report, she pointed out that it was difficult for the Committee fully to appreciate the overall situation when the report of the federal Government and those of the provincial governments were not integrated: she would be grateful to know why Canada had been unable to produce an integrated report. She also enquired why the fifth periodic report had been submitted so late.

15. She was concerned at the reporting State's tendency to document only the positive developments in the area of the advancement of women and reiterated the importance of presenting a balanced account of the challenges faced by Canada and the methods employed to overcome them. It was difficult to get a consistent picture of the implementation of the Convention in Canada, because the report did not explain the rationale behind the examples it had selected. In addition, on a number of occasions the report had referred to initiatives taken to promote gender equality but had not provided any details about their results or scope.

16. In a positive step, the panel responsible for reviewing the Canadian Human Rights Act had recommended the inclusion of social condition in the Act. In that connection, she asked how the Government had reacted to that recommendation and whether a timetable had been drawn up for the introduction of new legislation. She wished to know whether gender-based analysis was now mandatory for all activities carried out by the federal, provincial and territorial governments and asked why the federal Government had discontinued the practice of imposing conditions on funds allocated to the territories and provinces, thereby contributing to the inconsistent implementation of the Convention.

17. Lastly, she asked why the proposed First Nations Governance Act did not include measures designed to eliminate all remaining discrimination against aboriginal women, particularly in the areas of status, band membership and matrimonial property rights.

18. **Ms. Shin** said that she had long been an admirer of the reporting State's work to promote human rights. At the international level, the Canadian Government was renowned as one of the leading lights in the field of gender equality, but domestically a number of challenges still remained.

19. In 2000, the Canadian Government had approved the new Agenda for Gender Equality, but, during the period covered by the fifth report, budget deficits had led to significant cuts in social services. In view of the fact that one of the priority aims of the Agenda for Gender Equality was the improvement of women's economic autonomy, she would be interested to know whether a gender analysis of Canada's new budgetary policy had been carried out to ascertain whether it had contributed to the advancement of women or detracted from it.

20. Concerning the issue of violence against women, she had received reports from grass-roots organizations that funding for shelters for battered women had been significantly cut. Given that the elimination of violence against women was another of the priority aims of the Agenda for Gender Equality, she wished to know why those cuts had been imposed.

21. **Ms. Gnancadja** said she was concerned about the effective implementation of the Convention within Canada's federal system. Under the Constitution, responsibility for implementing international human rights treaties was shared by the federal and provincial governments, but the federal Government was unable to compel compliance in areas that did not fall within its jurisdiction. She would appreciate clarification as to the areas in which the federal Government had enforcement powers and those in which it did not.

22. She wondered whether the lack of progress in the area of the advancement of women, particularly indigenous women, was attributable to the fact that the Convention was not being applied in a uniform manner throughout the country and to the fact that communication between the various executive powers was inadequate. The results achieved in the area of gender equality did not seem to reflect the number of measures taken or the Canadian Government's political will; she would therefore like to know what new suggestions the Government had come up with to improve the situation. She also asked whether the various gender equality programmes and strategies took account of ethnic and cultural diversity.

23. **Ms. González** said that she admired Canada's ongoing efforts to assist other countries to combat domestic violence. She also welcomed the decision to criminalize the use of the Internet for the sexual exploitation of children.

24. However, she was concerned about rising poverty levels, due in part to cuts affecting social services, which were having a disproportionately negative effect on women. In that connection, she reminded the reporting State that, in 1997, the Committee had suggested that it urgently address the factors responsible for increasing poverty among women, especially single mothers, and had also recommended that social assistance programmes directed at women should be restored to an adequate level. She was dismayed that such problems persisted in Canada, which was one of the richest and most developed countries in the world.

25. She understood that the federal, provincial and territorial governments shared responsibility for implementing the Convention, but was unclear about the State's responsibilities in that regard. Other human rights treaty bodies had also expressed concern about that issue.

26. **Ms. Kapalata** said that, in view of Canada's active participation in international organizations for the promotion of human rights, it was surprising that aboriginal women were still being marginalized. Education was crucial to the achievement of economic independence, but 54 per cent of aboriginal women had not even completed their secondary schooling. Much more had to be done in that area.

27. She welcomed the reporting State's acceptance of gender-based persecution as grounds for asylum claims, and wished to know how many women had been admitted for that reason and whether any specific facilities or programmes were available to them. She also asked about the steps Canada was taking to encourage other countries to introduce similar initiatives.

28. **Ms. Tavares da Silva** said that, although Canada had played a leading role in the definition of international standards for gender equality, a number of contradictory situations were still evident at the domestic level. She was concerned, in particular, about women's increased vulnerability to poverty and its knock-on effect on prostitution and trafficking, the significant wage gap between men and women and the cuts affecting social services. As far as the situation of aboriginal women was concerned, discrimination still persisted, particularly in the area of matrimonial property, and she expressed her hope that the commitment contained in paragraph 393 of the report would be honoured. She also felt that the recent amendment to the Indian Act concerning the status of First Nation women was restrictive and unfair because it would not apply to future generations.

29. She wondered whether the gender impact of the cuts in social services had been systematically studied and, if so, what the results had been. Had the cuts compromised programmes to combat domestic violence? She would also be interested to know how women had been affected by the changes to the cost-sharing agreement between the federal Government and the provinces.

30. She asked why such a disproportionately high number of aboriginal women were in prison, and enquired whether the changes to British Columbia's national machinery for the advancement of women had had a significant effect on ongoing programmes and financial commitments in the area of gender equality. Lastly, noting the use of the terms "equity" and

"equality" in the fifth report, she said that more emphasis should be placed on achieving equality, since that was the aim of the Convention.

31. **Ms. Ferrer** recalled that, in 1997, the Committee had recommended that Canada should provide a more comprehensive picture of the situation of aboriginal women and that programmes directed at those women should be monitored for possible discriminatory effects. In that connection, she requested more information about the systematic discrimination against aboriginal women and asked what measures had been taken to ensure that they could exercise their basic human rights. She also wished to know when Parliament would be discussing the draft legislation on First Nation women's participation in governance, whether that legislation had been assessed from a gender perspective and when the proposed amendments to the Canadian Human Rights Act would come into force.

32. Paragraph 98 of the report referred to the development of a coordinated programme to combat hate crime and bias activity: she would appreciate further information on that issue. Lastly, she wished to know why aboriginal women did not have the right to transfer their status to a non-indigenous partner.

33. **Ms. Khan** said that, given the reporting State's rank in the Human Development Index, it was extremely disappointing that all Canadian citizens were not able to reap the benefits of a high standard of living.

34. With regard to the rights of aboriginal and immigrant women, she enquired whether the recommendations of the Royal Commission on Aboriginal Peoples concerning women's matrimonial real property rights upon the dissolution of marriage were being implemented. She also wished to know whether all the provisions of the Indian Act applied to on- and off-reserve communities and whether they were in line with those of the Canadian Charter of Rights and Freedoms. In that connection, she asked whether women would be granted similar rights to men in the area of participation in public life. She would also be grateful to know whether welfare packages aimed at aboriginal and immigrant women, especially single mothers, were adequate to cover their food, clothing and housing needs.

35. She welcomed the inclusion of a gender-based analysis requirement in the Immigration and Refugee Protection Act, but wondered what the findings of such analysis had been. She also wished to know whether the document entitled "Assessing Violence Against Women: A Statistical Profile" had shown that immigrant women were more or less likely than other women to be the victims of violence. Lastly, she asked about the percentage of elderly women living below the breadline and requested information about the social and health-care services available to elderly and disabled women.

36. **Ms. Achmad** said it was difficult fully to understand the federal system of government in Canada and to identify concrete results of efforts undertaken, although she welcomed the inclusion of social conditions in the Canadian Human Rights Act. She expressed concern at the impact of globalization on women, and hoped that that issue would be taken into account in Canada's development assistance and that Canada would support research in that area. She was also concerned at the increase in poverty among women, in particular immigrant women, and hoped indicators could be developed to provide an accurate picture of the situation.

37. It was essential that an integrated, institutionalized network be created to provide social services to women, not only those with children but also elderly women or those living in poverty, in order to ensure their economic independence, protect their human rights and eliminate violence against them. A comprehensive and integrated social support system would allow for the development of women and help them make a greater contribution to Canadian society. Increased development for women would also strengthen their human rights, because it was well known that greater economic independence also made them less vulnerable to violence.

38. **Ms. Šimonović** said she wondered whether Canada's report (CEDAW/C/CAN/5) had been prepared in cooperation with non-governmental organizations and whether it had been adopted by the Government. She requested statistics from all the provinces and territories as well as the federal Government in the next report in order better to identify trends, for example with regard to the degree of political participation by women. She would also welcome more information on the rights of aboriginal women, for example whether they were able to pass on their Indian status to their children, and on whether there was some obstacle to making the Indian Act

compatible with the Convention. Ratification of the Optional Protocol should provide an additional incentive to address issues of concern to aboriginal women.

39. **Ms. Kuenyehia** said she welcomed steps taken to prevent trafficking in women and children and prostitution. However, it was not clear what happened to the victims of such practices: did they risk deportation or was there some support system to allow them to stay in Canada? She also wondered whether Canada's anti-trafficking strategy included measures to address the root causes of trafficking in women and girls.

40. **Mr. Melander** noted that Canada was currently negotiating an agreement on the possibility of return of persons to a so-called safe third country and wondered whether victims of trafficking could be deported under such an agreement. It was important to define "safe" and he wondered whether a country in which they had a reasonable fear of detention would be considered safe.

41. He also asked when one was considered to be Canadian since in the oral introduction it had been stated that one fifth of Canadian women were immigrants; did that include women who had been born in Canada or whose family had been in Canada for generations? Noting that the international community had been unable to decide on a definition of indigenous, he wondered how a person's aboriginal status was determined and whether an aboriginal person could deny or refuse his/her aboriginal status and insist on being considered an "ordinary" Canadian.

42. **Ms. Patten**, while noting the impressive case law data provided and the State party's clear commitment to gender issues, said it was disturbing that some groups of women were in fact worse off than before, in particular the vulnerable such as aboriginal women, the disabled, single mothers and sex-trade workers, whose housing, health, education and employment situation had deteriorated. The piecemeal approach to women's issues, with separate programmes on income, welfare and social benefits, seemed to be having negative effect. Violence against the vulnerable also seemed to be on the increase, as their vulnerability increased.

43. With regard to the province of British Columbia, she asked why the Human Rights Commission and the Ministry of Women's Equality had been eliminated and wondered who would fill the vacuum left by their disappearance. She was also concerned at the effect of budgetary restrictions on the Human Rights Tribunal and on efforts to combat domestic violence, and asked whether it was true that justice services were being centralized in urban areas, which would pose problems of access for rural populations, in particular aboriginals. Noting that funding for legal aid had been reduced by some 38 per cent, she wondered whether it was true that the remaining funds could not be used for poverty-related actions or family matters, except in cases involving violence.

44. **Mr. Flinterman** said it was regrettable that the report covered only the period 1994 through March 1998 and stressed the importance of submitting more current reports in future. Ratification of the Optional Protocol made it even more important to ensure that some nationwide system existed for monitoring compliance with the Convention on the part of all relevant authorities; he wondered whether the federal Government envisaged creating such a system in the future. He stressed that in a dualist system, it was important that all provincial and federal acts be in conformity with international human rights instruments, including the Convention.

45. **Ms. Morvai** expressed shock that in one of the world's most successful countries, half of elderly women living alone and single women parents, and therefore their children, lived in poverty (report, para. 23). She also said that the trend of de-institutionalization in the health-care system (para. 20), which had placed an increased burden on women caregivers in the home, was a policy that should be reconsidered. She wondered whether there was genuine political will to develop programmes to address the issue of women's poverty. It was essential that women's non-governmental organizations be involved in the formulation and implementation of such policies and she enquired whether the Government would provide funding to the volunteer and civil sectors in recognition of the vital role they could play in reducing gender discrimination.

46. Noting that article 3 of the Convention stressed States parties' obligation to ensure the full development of women, she said that although the economic trends in Canada were positive, the situation and number of women living in poverty seemed to be worsening. More information would be welcome on the services available to those women, on funding for women's organizations and policies, on who was

responsible for such efforts and on cooperative measures undertaken.

47. **The Chairperson**, speaking in her personal capacity, wondered whether the Government of Canada was not placing too much emphasis on programmes to prevent poverty for mothers and children at the expense of other single women such as the elderly or women in general.

48. **Ms. Ievers** (Canada) said that, although great progress had been made in the legislative sphere, achieving true substantive equality remained the greatest challenge. She recalled that in 1995 the federal and provincial governments had been faced with unprecedented deficits that in the long run had threatened economic growth and prosperity. The 1995 federal budget had drastically reduced the levels and types of transfers to the provinces and seriously affected the federal apparatus. Such efforts had had the desired result, however, the economic situation had improved considerably, poverty had been reduced and existing programmes had achieved tangible results. Unfortunately, in 1995 no proper gender-based analysis of the consequences of decisions taken had been made. Although the Federal Plan for Gender Equity had been established in 1995, it had coincided with those budget restrictions. The strategy adopted by the various levels of government had been prudent investment in support of those deemed to be the most vulnerable, through measures such as the National Child Benefit system and the Canada Child Tax Benefit.

49. Recalling that the report covered only the period up to March 1998, she said that there had been significant improvement in the intervening years: the poverty rate of single mothers had for example been reduced by 11 per cent in the period 1996-2000; progress had been made in the area of parental leave, both with regard to the length of leave taken and the number of men taking advantage of parental leave, which had led to an increased sharing of responsibilities between women and men. Nevertheless, women's disproportionate burden as caregivers and their high level of unpaid work continued to hinder their full participation in the economy. The building block approach of targeted programmes should, however, allow for rapid improvement in the situation of the most vulnerable.

50. Although the statistics on poverty were indeed shocking, she believed that continued improvement in the economic situation would improve the poverty figures. There had been steady economic growth and growth in full-time employment of women. Although difficult decisions had had to be taken in the past, she was confident that progress would continue to be made. In the area of health, for example, a federal review of the health system had just been completed with a view to improving health-care delivery. More concrete decisions in that area were to be expected in the next federal budget.

51. Efforts to advance gender equality, and gender-based analysis of policies, were guided by three goals: improving women's economic independence, ensuring that women's human rights were protected and combating violence against women. For the 1995 Federal Plan for Gender Equality, gender-based analysis had been the key to implementing activities based on the Beijing Platform for Action, but the ability to produce results from such analysis was inadequate. For that reason, the subsequent Agenda for Gender Equality took a strategic approach focusing on engendering policies for the advancement of women and accelerating gender-based analysis. Gender-based analysis was not compulsory, and it was unwise to make it compulsory until the ability to perform it had improved.

52. **Ms. McPhee** (Canada) said that the fifth periodic report had been submitted late and covered a period that had ended several years previously simply because the number of reports required by United Nations human-rights bodies in general and the demands of Canada's federal structure had created a backlog. The backlog was being cleared. Moreover, the approval procedure meant that reports were not adopted until all Government departments and all the provinces and territories had endorsed the portion of them dealing with federal matters. Canada understood that the structure of its reports was difficult for all United Nations human-rights bodies to deal with, and the country's federal-provincial-territorial Continuing Committee of Officials on Human Rights tried to make sure that all jurisdictions took a coherent approach to providing material for such reports.

53. The structure of Canada's periodic reports under the Convention followed the guidelines provided by the Committee. Although the periodic reports were divided by jurisdiction, their content adhered to the pattern of the articles of the Convention itself. On the web site of the Department of Canadian Heritage, the

reports were easier to consult, as they contained hyperlinks that cross-referenced material in one section against material in other sections. Changes to the reports' structure would need to be agreed by all Canadian jurisdictions, and the process would be difficult. Nevertheless, the matter was under review. She had noted the Committee's wish for more information on the results of policies and programmes, and for explanations to be given where only a few examples of policies and programmes had been selected for the report.

54. Non-governmental organizations had not been directly consulted in the compiling of the periodic report, but Status of Women Canada had ongoing relations with such organizations and received their views and contributions.

55. **Ms. Eid** (Canada) said that under Canada's constitutional division of powers, some matters were covered by exclusive federal jurisdiction, some by exclusive provincial or territorial jurisdiction and some by shared jurisdiction. That in turn determined the ability to legislate on each of those matters.

56. The resulting dualist approach to international treaties meant that such treaties had no direct force in the country's courts. However, prior to ratification of international treaties, all jurisdictions were required to agree to apply them. Human rights was an area of shared jurisdiction, involving legislation at federal, provincial and territorial level. In human-rights legislation, the Canadian Charter of Rights and Freedoms and its guarantees of equality provided an important unifying influence. Although there were inevitably differences in the scope of human-rights protection between jurisdictions, the Supreme Court of Canada had stipulated that protection should be uniform, its interpretation should be consistent and no undue emphasis should be placed on variations in the terminology used in items of legislation.

57. The first review of the Canadian Human Rights Act had been comprehensive. In June 2000 the review panel had delivered 165 recommendations, including recommendations for changes to the structure of the Human Rights Commission and Human Rights Tribunal, and for the inclusion of the concept of "social condition" in legislation.

58. With regard to the terms "equity" and "equality" used in the report, "equality" predominated, with "equity" being used only in a few stock phrases, such as "pay equity". The intended meaning, in all cases, was substantive equality.

59. Hate crimes were covered by a range of criminal-code provisions that provided for enhanced sentencing to take account of hate as a motive, for the prohibition of hate propaganda and for more measures to prevent the Internet being used to promote hate.

60. **Ms. Blackell** (Canada) reported that the number of women in federal penitentiaries and performing community service had declined since 2001. A 1996 report of the Royal Commission on Aboriginal Peoples had pointed out that aboriginal communities suffered high rates of poverty, ill-health, crime and violence and the effects of abuse in residential schools. The causes of those phenomena needed to be understood. The 2001 Speech from the Throne had identified remedying them as a priority for government action.

61. The Government had set a goal of reducing the number of aboriginal prison inmates to a level no higher than the average for the population as a whole. Alternatives to prison sentences had been introduced; they included sentences that could be served in aboriginal communities. Nine Healing Lodges to treat aboriginal offenders, victims and families had been opened.

62. Victims of human trafficking could seek protection by appealing for compassionate treatment under immigration rules or by applying for refugee status. There were many avenues of redress and compensation, both under the criminal law and in terms of social facilities. To address the root causes of vulnerability to trafficking, the Canadian International Development Agency (CIDA) had funded a variety of programmes in developing countries.

63. Shelters for women victims of abuse fell under provincial and territorial jurisdiction, but the federal Government had contributed to their upkeep and improvement. According to shelter staff, safety and physical conditions were better as a result.

64. Statistics on domestic violence had been collected as part of a general survey of society in 1999, and had shown that 6 per cent of immigrant women had suffered violence in the home, compared with 8 per cent of women in the population as a whole. Comparisons over time could be made only when the next survey cycle began in 2004, and the 1999 survey had probably underreported the problem in immigrant

communities because it had been conducted only in English and French. The possibility of making it available in the major languages of immigrant communities was being explored, but the added cost was a problem.

65. **Ms. Regehr** (Canada) explained that the Government's use of the term "visible minority" was unrelated to Canadian citizenship. The term described groups that were often well-established, like the black population of Nova Scotia, but which continued to suffer marginalization. The description was becoming less and less appropriate: in the country's largest city, Toronto, "visible minorities" made up the majority of the population.

66. For the collection of data, Status of Women Canada had developed a good working relationship with Statistics Canada, which had been able to provide figures disaggregated by sex, information on women victims of violence and details on the number of people performing paid work and unpaid work.

The meeting rose at 1 p.m.